

## Chapter 8 Traffic and Vehicles

### Article 1: Definitions, Authority Enforcement and Obedience

*(Amended 2-5-1953 by O-5473 N.S.)*

*(Amended 4-10-1956 by O-6936 N.S.)*

#### §81.01 Definitions of Words and Phrases

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this article.

*(Amended 4-10-1956 by O-6936 N.S.)*

##### §81.01.1 Motor Vehicle Code Definitions to be Used

Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Vehicle Code of the State of California and amendments thereto, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full.

*(“Motor Vehicle Code Definitions to be Used” added 4-10-1956 by O-6936 N.S.)*

##### §81.01.2 Alley

ALLEY shall mean any unnamed highway having a width of 25 feet or less and not provided with a sidewalk or sidewalks.

*(“Alley” added 4-10-1956 by O-6936 N.S.)*

##### §81.01.3 Bus

BUS shall mean any motor bus, motor coach, trackless trolley or passenger stage used as a common carrier of passengers.

*(“Bus” added 4-10-1956 by O-6936 N.S.)*

##### §81.01.4 Bus Loading Zone

BUS LOADING ZONE shall mean the space adjacent to a curb or edge of a roadway reserved for the exclusive use of buses during loading and unloading of passengers.

*(“Bus Loading Zone” added 4-10-1956 by O-6936 N.S.)*

**§81.01.5 Central Traffic District**

The Central Traffic District is hereby defined and its limits declared to be that portion of The City of San Diego bounded and described as follows:

Beginning at the intersection of the west line of Second Avenue and the north line of B Street; thence east to the west line of Fourth Avenue; thence north to the north line of A Street; thence east to the east line of Sixth Avenue; thence south to the north line of B Street; thence east to the east line of Eighth Avenue; thence south to the north line of Broadway; thence east to the west line of Ninth Avenue; thence south to the south line of Broadway; thence west to the east line of Eighth Avenue; thence south to the south line of F Street; thence west to the east line of Sixth Avenue; thence south to the south line of G Street; thence west to the west line of Fourth Avenue; thence north to the south line of F Street; thence west to the west line of Second Avenue; thence north to the south line of Broadway; thence west to the east line of First Avenue; thence north to the north line of Broadway; thence east to the west line of Second Avenue; thence north to the north line of B Street, the point of beginning.  
(*“Central Traffic District” added 4–10–1956 by O–6936 N.S.*)

**§81.01.6 Freeway**

FREEWAY shall mean a divided arterial highway for through traffic with full control of access and with grade separations at intersections.  
(*“Freeway” added 4–10–1956 by O–6936 N.S.*)

**§81.01.7 Grade Separation**

GRADE SEPARATION shall mean every structure by means of which any street passes over or under any stationary rails or tracks or another street.  
(*“Grade Separation” added 4–10–1956 by O–6936 N.S.*)

**§81.01.8 Limited Access Highway**

LIMITED ACCESS HIGHWAY shall mean a highway with partial control of access to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.  
(*“Limited Access Highway” added 4–10–1956 by O–6936 N.S.*)

**§81.01.9 Loading Zone**

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*(“Loading Zone” added 4-10-1956 by O-6936 N.S.)*

**§81.01.10 Median Strip**

MEDIAN STRIP shall mean a directional separator located between two roadways carrying through traffic in opposite directions.

*(“Median Strip” added 4-10-1956 by O-6936 N.S.)*

**§81.01.11 Official Time Standard**

Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this City.

*(“Official Time Standard” added 4-10-1956 by O-6936 N.S.)*

**§81.01.12 Official Traffic Control Devices**

OFFICIAL TRAFFIC CONTROL DEVICES shall mean all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

*(“Official Traffic Control Devices” added 4-10-1956 by O-6936 N.S.)*

**§81.01.13 Official Traffic Signals**

OFFICIAL TRAFFIC SIGNALS shall mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

*(“Official Traffic Signals” added 4-10-1956 by O-6936 N.S.)*

**§81.01.14 Parking**

PARKING shall mean to stand or leave standing any unoccupied vehicle, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.

*(“Parking” added 4-10-1956 by O-6936 N.S.)*

**§81.01.15 Parking Meter**

PARKING METER shall mean a mechanical device installed within or upon the curb or sidewalk area, immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle.  
(*“Parking Meter” added 4–10–1956 by O–6936 N.S.*)

**§81.01.16 Parkway**

PARKWAY shall mean that portion of the right-of-way not used either as a roadway or as a sidewalk.  
(*“Parkway” added 4–10–1956 by O–6936 N.S.*)

**§81.01.17 Passenger Loading Zone**

PASSENGER LOADING ZONE shall mean the space adjacent to a curb or edge of a roadway reserved for the exclusive use of vehicles during the loading or unloading of passengers.  
(*“Passenger Loading Zone” added 4–10–1956 by O–6936 N.S.*)

**§81.01.18 Pedestrian**

PEDESTRIAN shall mean any person afoot.  
(*“Pedestrian” added 4–10–1956 by O–6936 N.S.*)

**§81.01.19 Police Officer**

POLICE OFFICER shall mean every officer of the Police Department of the City of San Diego or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.  
(*“Police Officer” added 4–10–1956 by O–6936 N.S.*)

**§81.01.20 Sightseeing Bus Zone**

SIGHTSEEING BUS ZONE shall mean that space adjacent to a curb or edge of a roadway reserved for the exclusive use of Sightseeing Buses.  
(*“Sightseeing Bus Zone” added 4–10–1956 by O–6936 N.S.*)

**§81.01.21 Stop**

STOP, when required, means complete cessation of movement.  
(*“Stop” added 4-10-1956 by O-6936 N.S.*)

**§81.01.22 Stopping or Standing**

STOPPING OR STANDING, when prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.  
(*“Stopping or Standing” added 4-10-1956 by O-6936 N.S.*)

**§81.01.23 Traffic**

TRAFFIC shall mean pedestrians, ridden or herded animals, vehicles, trains and other conveyances either singly or together while using any street for purposes of travel.  
(*“Traffic” added 4-10-1956 by O-6936 N.S.*)

**§81.01.24 Vehicle Code**

VEHICLE CODE shall mean the Vehicle Code of the State of California.  
(*“Vehicle Code” added 4-10-1956 by O-6936 N.S.*)

**§81.01.25 Public Mass Transit Vehicle**

Public Mass Transit Vehicle shall mean any vehicle, conveyance or device primarily used for the transport of people which travels upon rails or fixed guideways.  
(*“Public Mass Transit Vehicle” added 2-1-1982 by O-15663 N.S.*)

**§81.01.26 Public Mass Transit Guideway**

Public Mass Transit Guideway shall mean the rails, fixed guideway or other permanently fixed device upon which a public mass transit vehicle travels including those areas adjacent thereof to a width of two feet beyond the outermost portion of the rail, guideway or device.  
(*“Public Mass Transit Guideway” added 2-1-1982 by O-15663 N.S.*)

**§81.01.27 Terminal**

Terminal shall mean any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off loaded or at which the interstate trucks are regularly maintained, stored or manufactured.

*("Terminal" added 4-22-1985 by O-16405 N.S.)*

**§81.01.28 Interstate Truck**

Interstate Truck shall mean a truck tractor and semi-trailer or trailer or truck tractor, semi-trailer and trailer with unlimited length as regulated by the California Vehicle Code.

*("Interstate Truck" added 4-22-1985 by O-16405 N.S.)*

**§81.01.29 Interstate Truck Service Area**

Interstate truck service area shall mean an area within one half (1/2) of a lane mile of an interstate highway which provides lodging, food, fuel or servicing to interstate trucks.

*("Interstate Truck Service Area" added 4-22-1985 by O-16405 N.S.)*

**§81.01.30 Caltrans**

"CALTRANS" shall mean the State of California Department of Transportation or its successor agency.

*("Caltrans" added 4-22-1985 by O-16405 N.S.)*

**§81.02 Authority of Police and Fire Department Officials**

Officers of the Police Department and such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this chapter or the Vehicle Code.

*("Authority of Police and Fire Department Officials" added 4-10-1956 by O-6936 N.S.)*

**§81.03 Traffic Control and Direction**

- (a) Except as otherwise provided in this section or by law, it shall be unlawful for any person who is not a police officer or a regularly detailed employee of the City of San Diego to direct vehicular traffic upon a public street within the City of San Diego.
- (b) The City Manager is authorized to issue a traffic control permit to a qualifying organization for the limited purpose of controlling vehicular access to and from private property and the public streets or for controlling vehicular traffic upon a portion of a public street, in furtherance of a lawful activity of the permittee, under the following terms and conditions:
  - (1) The time shall be limited to only such period as shall be necessary to allow orderly ingress and egress; and
  - (2) A traffic circulation plan is developed and approved by the Chief of Police or designate; and
  - (3) Only traffic control personnel who have been trained through an approved program and certified and appointed by the Chief of Police to perform such function are used by the permittee; and
  - (4) Traffic control personnel wear a distinctive color vest with reflective markings, lettered with the words "TRAFFIC CONTROL" in minimum 3 inch letters on the front and back, as approved by the Chief of Police, while performing permitted duties; and
  - (5) The permittee maintains public liability insurance in an amount of \$1,000,000 combined single limit during the term of the permit, naming the City of San Diego an additional insured; and
  - (6) The permittee executes an indemnification agreement with the City of San Diego indemnifying, defending and holding harmless the City from any and all claims and liability arising from or during the provision of traffic control services.
- (c) Permits may be issued on an annual or single event basis. The City Manager may promulgate additional rules and regulations governing the application and issuance of the permit. The standards for training and certification of traffic control personnel shall be approved by and through the Chief of Police. The City Manager may suspend or revoke any permit issued for any violation of the

conditions of issuance or unsafe practices or conditions arising from the permittee's activity. This section shall apply to traffic control personnel required for special events subject to Chapter II, Article 2, Division 40 of this Code. The City Manager is authorized to charge a fee as shall be set forth in the City Clerk's Composite Rate Book for the costs of the processing and appointment of traffic controllers and for the administration of this program.

- (d) The failure to obey a lawful order issued by a duly appointed traffic controller shall be punished pursuant to Vehicle Code Section 21100.3 or any successor statute.

*(Amended 11-18-1997 by O-18439 N.S.)*

#### **§81.04 Obedience to Authorized Personnel and Traffic Regulations**

- (a) No person shall refuse or fail to comply with any law, any lawful order, signal or direction of a police officer, member of the Fire Department, or person authorized by the Chief of Police.
- (b) No person shall disobey the instruction of any official traffic control device placed in accordance with this chapter or the Vehicle Code unless directed by a police officer, or other authorized person, subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls.

*("Obedience to Authorized Personnel and Traffic Regulations" added 4-10-1956 by O-6936 N.S.)*

#### **§81.05 Public Employees to Obey Traffic Regulations**

The provisions of this chapter shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it shall be unlawful for any said operator to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by the Vehicle Code.

*("Public Employees to Obey Traffic Regulations" added 4-10-1956 by O-6936 N.S.)*

#### **§81.06 Exemption to Certain Vehicles**

- (a) The provisions of this chapter regulating the operation, parking and standing of Vehicles shall not apply to authorized emergency vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle when any vehicle mentioned in



this section is operated in the manner specified by the Vehicle Code in response to an emergency.

- (b) The foregoing exemptions shall not, however, protect the operator of any such vehicle from the consequences of his willful disregard of the safety of others.
- (c) The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle of a City department or public utility while necessarily in use for construction or repair work upon, in, over, under or adjacent to a street or highway.

*(“Exemption to Certain Vehicles” added 4-10-1956 by O-6936 N.S.)*

#### **§81.07 Report of Damage to Certain Property**

- (a) The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, resulting in damage to any traffic control device or other property of a like nature located in or along any street, shall within twenty-four (24) hours after such accident make a written report of such accident to the Police Department of this City.
- (b) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.
- (c) The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in subdivision (a) within 24 hours after regaining ability to make such report.

*(“Report of Damage to Certain Property” added 4-10-1956 by O-6936 N.S.)*

#### **§81.07.1 Charges for Police Services**

The Chief of Police may furnish to any person so requesting, reproductions or reports of Police Department investigative materials and activities upon payment by such person of the sum required. The Chief may also furnish to any person so requesting,

the services of Police Department personnel and/or equipment when such is in the best interests of local law enforcement.

The Chief of Police shall establish a schedule of such charges, to be reviewed quarterly and revised in accordance with changing costs of labor and material to the department. This schedule and such revisions as may be required shall be subject to approval by the City Manager.

The Chief of Police may waive the above-mentioned charges for such services when the services are provided for any City of San Diego General Fund department, for other governmental agencies in cases where The City of San Diego has mutual interest as determined by the Chief of Police, or where the services are provided as a part of a regularly established program of reciprocal police services with other governmental agencies, such as the State Department of Justice, the F.B.I. and the United States Navy.

*(Amended 7-27-1961 by O-8499 N.S.)*

#### **§81.08 Authority of Police in Crowds**

At places where large numbers of people and vehicles are to gather or have gathered, nothing in this chapter shall be construed to prevent any police officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and said police officer shall have authority to direct the parking of vehicles in any reasonable manner, way or direction, and it is hereby declared to be unlawful for any person to fail to promptly obey the said police officer's order, signal or command, regardless of any other provision of this chapter.

*("Authority of Police in Crowds" added 4-10-1956 by O-6936 N.S.)*

#### **§81.09 Police Personnel Authorized to Remove Vehicles from Highway**

(a) Any regularly employed and salaried officer or employee of the Police Department of The City of San Diego is hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by The City of San Diego, under the circumstances hereinafter enumerated:

- (1) When any vehicle has been parked or left standing or stored upon a street or highway for seventy-two (72) or more consecutive hours.
- (2) When any vehicle has been parked or left standing upon a street or highway when the parking or standing of vehicles thereon has been prohibited by ordinance or resolution of the City Council and where signs are posted giving notice of such removal.
- (3) When any vehicle has been parked or left standing on a street or highway in violation of

temporary "No Parking" signs which have been posted on said street or highway pursuant to Section 86.07.

- (b) Any officers removing a vehicle as provided herein shall comply with the procedures set forth in Section 22651 of the California Vehicle Code.  
*(Retitled to "Police Personnel Authorized to Remove Vehicles from Highway" and amended 7-16-1984 by O-16239 N.S.)*

**§81.10 Removal and Disposal of Abandoned, Etc., Vehicles Not on Highways**

- (a) The purpose and intent of the Council in adopting this section is to establish procedures pursuant to Sections 22660 to 22664 of the California Vehicle Code for the abatement, removal and disposal, as public nuisances, of abandoned, wrecked, dismantled or inoperative vehicles or vehicle parts from private or public property, not including highways.
- (b) Any vehicle located on property other than a highway may be removed as a public nuisance and disposed of in accordance with the following procedures:
- (1) Not less than ten (10) days prior to any removal or disposal of a vehicle, a notice of intention to abate and remove the vehicle as a public nuisance shall be issued unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle. The notice shall contain a statement of the hearing rights of the owner of the vehicle and of the owner of the property on which the vehicle is located. The statement shall include notice to the property owner that he may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.
- (2) Upon request by the owner of the vehicle or the owner of the land on which the vehicle is located, a public hearing shall be held before the City Manager or any other regularly salaried full-time employee of the City whom the City Manager may designate. This request shall be made to the Manager or his designee within ten (10) days after the mailing of the notice of intention to abate and remove the vehicle.

- (3) The owner of the land on which the vehicle is located may appear in person at the hearing. Instead of making an appearance, he may present a sworn written statement, in time for consideration at the hearing, denying responsibility for the presence of the vehicle on the land, with his reasons for his denial. This statement shall be construed as a request for a hearing which does not require the presence of the owner submitting the request. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located or collected from the landowner.
- (4) No person shall reconstruct, make operable, or knowingly operate any vehicle removed under the provisions of this section, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license, pursuant to Section 5004 of the California Vehicle Code, in which case the vehicle may be reconstructed or made operable. Vehicles removed under this program cannot be registered with California Department of Motor Vehicles, and the procedure is to destroy the vehicles. The above addition is designed to allow the City to prosecute a person who seeks to avoid prosecution by reconstructing a vehicle in another jurisdiction, then drives the vehicle in San Diego.
- (5) This section shall not apply to (1) a vehicle which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard. This exception shall not, however, authorize the maintenance of a public or private nuisance as defined under provisions of law other than this section.
- (6) Vehicle may be disposed of by removal to a scrapyard, automobile dismantler's yard or any suitable site for processing as scrap, or other final disposition consistent with subparagraph (iv) of this paragraph.
- (7) Notice shall be given to the Department of Motor Vehicles within five (5) days after the date of removal identifying the vehicle and any evidence of registration available including, but not limited to, the registration card, certificates of ownership or license plates.

- (8) The cost of removal and disposal of any vehicle and the administrative cost thereof may be charged against the person who is determined to be responsible for the maintenance of the vehicle as a public nuisance.
- (9) Provisions of this section shall be administered by regularly salaried full-time employees of the City except that the removal of vehicles from property may be by any other duly authorized person. Any such authorized person may enter upon private property for the purposes specified in this section to examine a vehicle, and remove or cause to be removed the vehicle declared to be a nuisance pursuant to this section.
- (10) Any licensed dismantler or commercial enterprise acquiring vehicles removed pursuant to this section shall be excused from the reporting requirements of Section 11520 of the California Vehicle Code; and any fees and penalties which would otherwise be due the Department of Motor Vehicles, are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantler's or commercial enterprise's business records.

*(Amended 6-18-1984 by O-16225 N.S.)*

#### **§81.11 Food and Beverage Prohibited on any Vehicle Operated as Common Carrier**

It shall be unlawful to consume any food or beverage on any vehicle operated as a common carrier by the San Diego Transit Corporation or the San Diego Metropolitan Transportation Development Board or any successor in interest.

*("Food and Beverage Prohibited on any Vehicle Operated as Common Carrier" added 10-22-1979 by O-15045 N.S.)*

